

COMMUNIQUE'

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KENTUCKY BOARD OF NURSING
312 Whittington Pky, Ste 300, Louisville, KY 40222-5172

Fall 1999

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BOARD APPOINTMENTS

Governor Paul E. Patton recently made the following KBN appointments: Anita Gambill, LPN, Hazard, representing LPNs; Catherine Hogan, RN, Louisville, representing RNs engaged in nursing practice; and Jan Ridder, RN, Louisville, representing RNs engaged in nursing administration. Mabel Ballinger, Citizen-at-Large, was reappointed to the Board. The appointees will serve as Board members through June 30, 2003.

The Board and staff welcome the new Board members and extend their appreciation and thanks to retiring Board members Dorothy Thomas, LPN; Linda DeVries, RN; and Michael Carr, RN, for their years of service and commitment to public protection.

PRACTICE OPINIONS SUMMARY

The Board recently issued advisory opinions on the following nursing practice issues. All advisory opinions emphasize that the licensee have the specialized knowledge and skill to safely and effectively perform the procedure and documentation to support current clinical competence.

◆ Administration of Etomidate during Rapid Sequence Induction by Registered Nurses:

It is the advisory opinion of the Board that it is within the scope of registered nursing practice for a RN to administer Etomidate as a component of rapid sequence induction (RSI) in the prehospital aeromedical emergency services arena.

◆ Performance of Colposcopies by Registered Nurses:

Following review of information regarding colposcopy performance, it is the advisory opinion of the Board that the performance of colposcopies is within the scope of advanced registered nursing practice for ARNPs designated nurse practitioners or nurse midwives. The performance of colposcopies is not within the scope of registered nursing practice.

◆ Performance of Medical Screening Examinations by Nurses:

It is the advisory opinion of the Board that the completion of the Medical Evaluation Questionnaire is within the scope of nursing practice for a RN and an LPN functioning under the direction of a RN or physician.

◆ Delegation of Diastat (Diazepam Rectal Gel) to Unlicensed Persons in a School Setting by RNs:

It was the advisory opinion of the Board that a RN may teach non-nursing school personnel the administration of Diastat (Diazepam rectal gel) to a student for seizure management. The nurse should document the individual's demonstrated competence to perform this procedure.

REMINDER: LPN RENEWALS MAILED

Renewal applications were mailed to licensed practical nurses prior to August 7, 1999. If you have not received your renewal application, please call 1-800-305-2042 and request a duplicate form. LPN licenses must be renewed prior to October 31, 1999.

PROPOSED CHANGES FOR VALIDATING NURSING COMPETENCE

The Kentucky Board of Nursing Competency Task Force, whose **mission was to reach consensus on a regulatory approach to validate nursing competence**, has recommended, and the Board has approved, the following statutory and regulatory changes for a nurse's competency validation (also see proposed legislation article on pages 2-5):

Amend 201 KAR 20:215 to **allow multiple options for validating competence**. These options include the following methods:

- 30 contact hours of CE (including HIV/AIDS CE requirement) earned during the licensure period, or
- current national certification or recertification in effect during licensure period related to the nurse's practice role and the HIV/AIDS CE requirement (pharmacology CE is also required for ARNPs), or
- 15 contact hours of CE (including HIV/AIDS or other designated CE requirements) earned during the licensure period and at least one of the following during the licensure period:
 - 1) A successfully completed employment competency validation;
 - 2) a nursing employment evaluation that is satisfactory for continued employment;
 - 3) a professional nursing presentation;
 - 4) publication of a nursing related article in a refereed professional publication; or
 - 5) completion of a nursing research project as a principal investigator, co-investigator or project director.

KBN TO PILOT WEB-BASED RENEWALS

In its continuing efforts to provide the best possible customer service, KBN is participating in a pilot program to offer Web-based license renewals. The details have yet to be worked out, but we expect a nurse to be able to access a secure Internet site and renew an existing Kentucky license, complete with electronic payment. Payments will likely be from a charge card. Updates to this program will be published in future issues of the Communique and on the KBN Web site at www.kbn.state.ky.us. A number of nurses have opted to use the Interactive Voice Response (IVR) system to pay for their LPN renewal. An electronic verification of Kentucky licensure system is also available on the IVR. The IVR number is 900-555-5700.

HIGHLIGHTS OF BOARD ACTIONS

- ♦ Approved the IV therapy education standards entitled, *Recommended Course Content, Intravenous (IV) Therapy for RNs and LPNs*. Approved the proposed revisions to the advisory opinion statement entitled, *Roles of Nurses in Intravenous Therapy Practice* (#83/89-03). Directed that information regarding the changes be disseminated to nursing service administrators, educators, and CE providers in Kentucky.
- ♦ Directed that a progress report delineating outcome achievements related to actions taken to improve NCLEX results be submitted by the Associate Degree Nursing Program, Madisonville Community College, Madisonville, by September 1, 2000.
- ♦ Directed that the Associate Degree Nursing Program, St. Catharine College, St. Catharine, show cause for program continuation if FY 1998-99 and 1999-2000 NCLEX pass rates are less than the required 85% for first time writers. Further directed that the program be placed on conditional approval status for academic year 1999-2000.
- ♦ Directed that the Associate Degree Nursing Programs at Morehead State University, Morehead, and Kentucky State University, Frankfort, and the Practical Nursing Program, Ashland Technical College, Ashland, be placed on conditional approval status.
- ♦ Directed that a letter of concern be sent to the Lincoln Memorial University, Harrogate, TN, Associate Degree Nursing Program, Corbin, KY Extension, for a FY 1997-98 NCLEX pass rate of less than 85%.
- ♦ Directed that additional 1999 Nursing Incentive Scholarships be awarded with the condition that a fund balance of \$150,000 be maintained as of January 1, 2000.
- ♦ Directed that the KBN Diversion Program be administered and operated by the administrative agency of the Board.
- ♦ Directed that default judgements be utilized in administrative hearings.
- ♦ Delegated authority to the executive director of the Board of Nursing to enter into Agreed Orders and Consent Decrees with applicants and licensees on behalf of the Board. Agreed Orders and Consent Decrees shall become effective upon the signature of the executive director. The executive director shall report Agreed Orders and Consent Decrees to the Board in a format acceptable to the Board.
- ♦ Ratified the decision to recognize Canadian Nurses Association Testing Services Examination (English).
- ♦ Ratified Guidelines for Orientation of Graduate Nurses.

KENTUCKY BOARD OF NURSING PROPOSED LEGISLATION FOR THE 2000 REGULAR SESSION WITH RATIONALE

(Language underlined is proposed new language. Language bracketed and in bold print would be deleted.)

1. A new section of KRS Chapter 314 is created to read as follows: The Board of Nursing shall require a background investigation of each applicant for a license by means of fingerprint checks by the State Police and the Federal Bureau of Investigation.

RATIONALE: This language is required by federal law to allow the Board to obtain fingerprints necessary for accessing the NCIC criminal information database of the FBI.

2. A new section of KRS Chapter 314 is created to read as follows:
 - (1) The Board may, on petition by any interested party, issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any statute, administrative regulation, decision, order, or other written statement of law or policy within the jurisdiction of the Board.
 - (2) A declaratory ruling shall be binding on the Board and all parties to the proceedings on the statement of facts alleged.
 - (3) The Board may not retroactively change a declaratory ruling, but nothing in this section shall prevent the Board from prospectively changing a declaratory ruling.
 - (4) The Board shall adopt an administrative regulation pursuant to KRS Chapter 13A on procedures for submission, consideration, and disposition of a petition for a declaratory ruling.
 - (5) A declaratory ruling of the Board may be appealed to the circuit court of the county in which the Board's offices are located within thirty (30) days of the date of the final ruling by the Board.

RATIONALE: This new authority would assist the Board in addressing practice issues in a timely fashion.

3. A new section of KRS Chapter 314 is created to read as follows: All persons holding licenses under KRS Chapter 314 shall maintain current mailing address on file with the Board. These persons shall notify the Board in writing immediately upon any change of mailing address. As a condition to holding a license from the Board, persons holding a license are deemed to have consented to service of notices or orders of the Board at their mailing address on file with the Board and any notice or order of the Board mailed or delivered to the mailing address on file with the Board constitutes valid service of notice or order.

RATIONALE: The rationale for this new statutory section to Chapter 314 is to clarify the requirements for the service of legal process (Orders and Notices) upon licensees. Currently, there is no clear statute or regulation which requires a licensee to maintain her or his current mailing address on file with the Board. In addition, there is no statute in Chapter 314 which speaks to service of legal process upon the licensee. The Board now must rely upon KRS 13 B.050(2) which provides for service on the licensee's "last known address." As a result, the Board is often forced to make several certified mail attempts to assure that the Board provides proper legal notice to a licensee of a hearing Notice or Board Order. The burden to make certain that the licensee properly receives notices and orders should be shifted back on the licensee. In addition to basic fairness, this would be more efficient for both legal and non-legal business.

4. A new section of KRS Chapter 314 is created to read as follows: Each person licensed under KRS Chapter 314 shall notify the Board, in writing, immediately if any professional or business license, as issued to such person by any other agency of the Commonwealth of Kentucky or any other jurisdiction, is surrendered or terminated under threat of disciplinary action, refused, suspended, revoked, or renewal of continuance denied.

RATIONALE: This new section would enable the Board staff to better learn of and obtain information regarding possible criminal, ethical, or other statutory violations by persons holding nursing licenses taken by other Kentucky state agencies or agencies of other states. For example, a Kentucky nurse may also be a licensed attorney, in the event that that nurse was disciplined by the Bar, she or he would have to report this fact to the KBN. While the basis of the other disciplinary action may or may not be grounds for KBN action, this reporting requirement of such serious action would enable the KBN staff to investigate.

5. A new section of KRS Chapter 314 is created to read as follows: Any person licensed by the Board, under the provisions of KRS Chapter 314, shall notify the Board, in writing, of any misdemeanor or felony criminal conviction in this or any other jurisdiction, within thirty (30) days of the entry of the final judgement of any such conviction. Upon failure of any such person to so notify the Board, the Board may initiate an action for immediate temporary suspension pursuant to KRS 314.089 until the person submits the required notification.

RATIONALE: This new section of Chapter 314 would enable the Board to learn of criminal convictions of licensees at an earlier date. Under the current system, a licensee is required to report a conviction only upon the initial license application or license renewal. As such, a licensee could receive a conviction on November 1 of a new two year licensure period but not notify the Board until the next licensure renewal period. The provision allowing for immediate temporary suspension for failure to report gives the Board some leverage to require such reporting. In the event that the licensee fails to report, the Board learns of the conviction and issues an immediate temporary suspension for the failure to report, the suspension may be lifted upon the licensee's compliance.

6. 314.011(7): “Advanced registered nurse practitioner” shall mean one who is registered and designated to engage in advanced registered nursing practice including, but not limited to, the nurse anesthetist, nurse midwife, clinical nurse specialist, and nurse practitioner pursuant to KRS 314.042.

RATIONALE: To include clinical nurse specialists in the definition of ARNPs.

7. 314.011(15): “Competency” shall mean the application of knowledge and skills in the utilization of critical thinking, effective communication, interventions and caring behaviors consistent with the nurse’s practice role within the context of the public’s health, safety and welfare.

RATIONALE: This amendment is a result of the Competency Task Force’s recommendations on continued competency.

8. 314.011(16): “Credential” shall mean a current license, registration or certificate issued by the Board permitting the practice of nursing.

RATIONALE: This definition is added to include the Sexual Assault Nurse Examiner (SANE) credential. Along with certain other pertinent changes (such as the disciplinary statute KRS 314.091), this change is necessary to allow the Board to take appropriate action against a credential, other than a license, which the Board is authorized to issue.

9. Amend 314.025(2) by adding the following sentence at the end: The fund may also issue grants for nursing workforce competency development.

RATIONALE: This amendment will allow expanded use of Nursing Incentive Scholarship Fund money as the change in the nursing workforce may necessitate.

10. 314.025(3): It is further the intent of the General Assembly of the Commonwealth that an applicant that has been listed on the Nurse Aide Abuse Registry with a substantiated finding of abuse, neglect or misappropriation of property may not be eligible for a Kentucky nursing incentive scholarship.

RATIONALE: This amendment would allow the Board to deny scholarships to those applicants who have been found guilty of abuse while employed as nurse aides.

11. 314.031(4): It shall be unlawful for any nurse, employer of nurses, or any person having knowledge of facts to refrain from reporting to the Board a nurse who: (a) Has been convicted.... (b) Is suspected of fraud or deceit in procuring or attempting to procure a license to practice nursing; or (c) Is suspected of negligently or willfully acting in a manner inconsistent with the practice of nursing; or (d) Is suspected of being unfit or incompetent to practice nursing by reason of negligence or other causes including, but not limited to, being unable to practice nursing with reasonable skill or safety; or (e) Is suspected of [willfully or repeatedly] violating any provisions of this chapter; or (f) Has a license to practice as a nurse denied, limited, suspended, probated, [or] revoked, or otherwise disciplined in another jurisdiction on grounds sufficient to cause a license to be denied, limited, suspended, probated, [or] revoked, or otherwise disciplined in this Commonwealth; or (g) is practicing without a current active license or valid temporary work permit issued by the Board [.] ; or (h) Is suspected of abusing, misusing, or misappropriating any drugs placed in the custody of the nurse for administration, or for use of others; or (i) Is suspected of falsifying or in a negligent manner making incorrect entries or failing to make essential entries on essential records.

RATIONALE: This statute is the mandatory reporting statute. Changes are being made to reflect consistency with the disciplinary statute, KRS 314.091.

12. 314.041(1): An applicant for a license to practice as a registered nurse shall file with the Board a written application for a license and submit evidence, verified by oath; [.] (a) that the applicant [has completed at least an approved four (4) year high school course of study or the equivalent thereof;] has completed the basic curriculum for preparing registered nurses in an approved school of nursing and has completed requirements for graduation [holds a diploma] therefrom; (b) has fulfilled the requirements of KRS 214.615(1); and (c) is able to understandably speak and write the English language and to read the English language with comprehension.

RATIONALE: Proof of high school graduation is unnecessary. Completion of the higher education level subsumes this requirement. The diploma requirement is changed because some schools do not award diplomas.

13. 314.041(2): An applicant shall be required to pass an examination in any subjects as the Board may determine [prescribe]. [Each written examination may be supplemented by an oral or practical examination.] Application for licensure by examination shall be received by the Board at such time as determined [prescribed] by the Board.

RATIONALE: The word “prescribe” is being changed to “determine” to be consistent with the language in KRS 314.051. The practical examination has not been given since the advent of the State Board Test Pool Examination (now NCLEX) in the early 1950s.

14. 314.041(3): Upon successfully completing all requirements for licensure, the Board may [shall] issue to the applicant a license to practice nursing as a registered nurse, if in the determination of the Board the applicant is qualified to practice as a registered nurse in this state.

RATIONALE: This language would give the Board a certain amount of discretion to issue or not issue a license under certain circumstances for applicants for licensure by examination. For example, if an applicant had criminal convictions, the license might not be issued. Or conversely, if an applicant who had taken the examination many years ago but had not taken part of it (i.e., OB), could still be licensed, provided all other requirements are met. The change is also made to reflect consistency with KRS 314.041(4) concerning applicants for licensure by endorsement, where this language already appears.

15. 314.041(4): The Board may issue a license to practice nursing as a registered nurse to any applicant who has passed the examination prescribed by the Board or its equivalent and been licensed as a registered nurse under the laws of another state, territory, or foreign county, if in the opinion of the Board the applicant is qualified to practice as a registered nurse [professional nursing] in this state.

RATIONALE: To reflect consistency in statute.

16. 314.041(7): Those persons previously licensed by the Board and not engaged in the practice of nursing in the Commonwealth of Kentucky, but desiring to maintain the right to use the title “R.N.” may apply and be granted inactive status by the Board in accordance with regulations promulgated by the Board. Inactive status shall be renewed in accordance with regulations promulgated by the Board [at least biennially] and those persons granted inactive status shall not be governed by the continuing [education] competency provisions contained in this chapter. A registered nurse on inactive status may petition the Board for a renewal of a license to actively practice and shall complete the requirements as established in KRS Chapter 314 and by regulation of the Board.

RATIONALE: This change will allow the Board to extend the period of inactive status for retirees and out of state nurses who desire to maintain a Kentucky license. There would be a savings to the licensees and a reduction in administrative costs and workload for the agency.

17. 314.042(2): An advanced registered nurse practitioner shall be designated by the Board as a nurse anesthetist, nurse midwife, nurse practitioner, clinical nurse specialist, or any other designation as determined by the Board.

RATIONALE: To include clinical nurse specialists.

18. 314.051(1): An applicant for a license to practice as a licensed practical nurse shall file with the Board a written application for a license verified by oath, that the applicant:
- (a) **[Has completed at least an approved four (4) year high school course of study or its equivalent;]**
 - (b) Has fulfilled the requirements of KRS 214.615(1);
 - (c) Has completed the required educational program in practical nursing at an approved school of nursing and has completed requirements for graduation [holds a diploma or certificate] therefrom; and
 - (d) Is able to understandably speak and write the English language and to read the English language with comprehension.

RATIONALE: Proof of high school graduation is unnecessary. Completion of the higher education level subsumes this requirement. The diploma requirement is changed because some schools do not award diplomas.

19. 314.051(3): An applicant shall be required to pass an examination in any subjects the Board may determine. **[Each written examination may be supplemented by an oral or practical examination.]** Application for licensure by examination shall be received by the Board at the time determined [prescribed] by regulation by the Board.

RATIONALE: See #13 above.

20. 314.051(4): Upon successfully completing all requirements for licensure, the Board may [shall] issue to the applicant a license to practice as a licensed practical nurse, if in the determination of the Board, the applicant is qualified to practice as a licensed practical nurse in this state.

RATIONALE: See #14 above.

21. 314.051(7): Those persons previously licensed by the Board and not engaged in the practice of nursing in the Commonwealth of Kentucky, but desiring to maintain the right to use the title "L.P.N." may apply and be granted inactive status by the Board in accordance with regulations promulgated by the Board. Inactive status shall be renewed in accordance with regulations promulgated by the Board [at least biennially] and those persons granted inactive status shall not be governed by the continuing [education] competency provisions contained in this chapter. A licensed practical nurse on inactive status may petition the Board for a renewal of a license to actively practice and shall complete the requirements as established in KRS Chapter 314 and by regulation of the Board.

RATIONALE: See #16 above.

22. 314.061(1): Every credential [license] issued by the Board shall have the seal of the Board affixed. A holder of a credential [licensee] shall **[sign his license,]** retain it in his possession, and be prepared to exhibit it [his license or Board certification of licensure] upon demand by an employer or anyone to whom the holder of the credential [licensee] offers nursing services, or any Board or staff member of the Kentucky Board of Nursing.

RATIONALE: To accommodate the SANE credential.

23. 314.073 is amended to read as follows:

- (1) Except for the first licensure renewal following the issuance of an original license by the Board, as a prerequisite for license renewal, all individuals licensed under the provisions of this chapter shall be required to document **[the completion of]** continuing **[education requirements not to exceed thirty (30) contact hours in a given licensure period]** competency during the immediate past licensure period as prescribed in regulations promulgated by the Board. **[A "contact hour" is defined as fifty (50) minutes of an approved, organized learning experience.]**
- (2) **[Contact hours required to satisfy t]** The continuing [education] competency requirement shall be documented [completed] and reported [in accordance with Board requirements] as set forth by the Board in administrative regulations promulgated in accordance with the provisions of KRS Chapter 13A.
- (3) The Board shall approve providers of continuing education. The approval may include recognition of providers approved by national organizations and state boards of nursing with comparable standards. Standards for these approvals shall be set by the Board in accordance with the provisions of KRS Chapter 13A.
- (4) The Board shall work cooperatively with professional nursing organizations, approved nursing schools, and other potential sources of continuing education programs to assure that adequate continuing education offerings are available statewide. The Board may enter into contractual agreements to implement the provisions of this section.
- (5) The Board shall be responsible for notifying applicants for licensure and licensees applying for license renewal, of continuing [education] competency requirements.
- (6) The continuing [education] competency requirements shall include the completion of the course described in KRS 214.610(1).
- (7) In order to offset administrative costs incurred in the implementation of the mandatory continuing [education] competency requirements, the Board may charge reasonable fees as established by regulation in accordance with the provisions of KRS Chapter 13A.
- (8) The continuing [education] competency requirements shall include at least five (5) contact hours in pharmacology continuing education for any person registered as an advanced registered nurse practitioner.

RATIONALE: These amendments are a result of the Competency Task Force's recommendations on continued competency.

24. 314.074 is hereby repealed.

RATIONALE: This provision has never been implemented per se, and is actually being included in the domestic violence education.

25. 314.085(1): ...Upon the failure of the person to submit to a mental or physical examination, unless due to circumstances beyond the person's control, the Board may initiate an action for immediate temporary suspension pursuant to KRS 314.089 or deny the application until the person submits to the required examination.

RATIONALE: This status allows the Board to order mental or physical examinations for licensees and applicants. However, the penalty section did not refer to denying an application as an option. This needs to be added.

26. 314.091: (1) The Board shall have power to reprimand, deny, limit, revoke, probate, or suspend and license or credential to practice nursing issued by the Board or applied for in accordance with this chapter, or to otherwise discipline a licensee, credential holder, or applicant, or to deny admission to the licensure examination, or to require evidence of evaluation and therapy upon proof that the person: (a) Is guilty... (b) Has been convicted... (c) Has been convicted... (d) Has negligently... (e) Is unfit or incompetent... (f) Abuses use of controlled substances, prescription medications, or alcohol; (g) Has misused or misappropriated any drugs placed in the custody of the nurse for administration [medication], or for use of others; (h) Has falsified or in a **[repeatedly]** negligent manner made incorrect entries or failed to make essential entries on essential records; (i) Has a license or credential to practice as a nurse denied... (j) Has **[willfully or repeatedly]** violated any of the provisions of this chapter; **[or]** (k) Has violated any lawful order or directive previously entered by the Board; or (l) Has violated any administrative regulation promulgated by the Board.
- (2) All hearings **[for denial, limitation, probation, suspension, or revocation of the license of a registered or practical nurse]** shall be conducted

in accordance with KRS Chapter 13B. A suspended or revoked license or credential may be reinstated at the discretion of the Board, and in accordance with regulations promulgated by the Board. (7) If the Board substantiates..., the nurse's license or credential may be revoked...

RATIONALE: Language is being added to cover the SANE credential. Also, other language is being added or amended to reflect clarity in the statute and to facilitate enforcement.

27. 314.091(1)(b) is amended to read as follows: (b) Has been convicted of a misdemeanor or felony which involved fraud, deceit, a breach of trust, or physical harm or endangerment to others, acts that bear directly on the qualifications of the applicant or licensee to practice nursing, or acts that bear directly on the ability of the applicant or licensee to practice nursing;

RATIONALE: This language would assist licensees and KBN staff in determining just what criminal conduct may be the basis for disciplinary action under KRS 314.091(1)(b). In the prosecution of some cases, the KBN staff has found that some criminal offenses simply do not fit into the current language "bear directly ...on the practice of nursing." This proposed language would deal with such offenses as theft of services, theft from patients, acts of physical violence, frauds or embezzlements.

28. 314.091(1) is amended to read as follows: (i) Any cause for which issuance of the license could have been denied had it then existed and been known to the Board;

RATIONALE: Enables the Board to take disciplinary action based upon information which may be actionable. It is a "catch-all" section, similar to subsection (i).

29. 314.091(1) is amended to read as follows: (k) Has been listed on the Nurse Aide Abuse Registry with a substantiated finding of abuse, neglect or misappropriation of property; or....

RATIONALE: This provision amends the disciplinary statute to allow the Board explicit authority to take action on an application or license if it is discovered that the individual had been listed on the Nurse Aide Abuse Registry.

30. 314.101 (7): ... as determined by the Board **[or who has passed the commission on graduates of foreign nursing schools examination]** may be issued a temporary work permit.

RATIONALE: The CGFNS requirement is no longer necessary following changes in the federal immigration law. As a condition of obtaining a visa prior to entry into the country, foreign nurses will have to take an examination similar to CGFNS.

31. 314.111(3): **[Periodic surveys of all schools of nursing shall be made under the supervision of the Board. Written reports of such surveys shall be submitted to the Board.]** If the Board...

RATIONALE: Since the Board has the authority to approve schools of nursing, periodically required surveys are unnecessary and may be done when needed to determine compliance with requirements.

32. 314.121(7): Each L.P.N. member of the Board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of practical nursing or its equivalent, licensed as a licensed practical nurse in this state, **[and]** have at least five (5) years of experience in nursing, three (3) of which shall immediately precede this appointment, and shall be currently engaged in nursing practice.

RATIONALE: Although a similar provision is in existence for the RN Board members, there was no requirement that the LPN Board members be currently engaged in nursing practice.

33. 314.131: (1) The Board shall meet at least annually and shall elect from its members a president[, **a president-elect**], and any other officers it deems necessary [, and a secretary]. A majority... (2) The Board shall approve **[curricula and standards for schools]** programs of nursing **[and courses preparing persons for licensure]** and shall monitor compliance with standards for nursing competency under this chapter. It shall **[provide for surveys of schools and courses at any time as may be necessary, approve schools and courses meeting the requirements of this chapter and of the Board, evaluate and approve courses for affiliation, and]** examine, license, and renew the license of duly-qualified applicants;...issue advisory opinions or declaratory rulings dealing with the practice of nursing;...(10) The Board may reimburse any person appointed by direction of the Board to any committee, subcommittee or task force created by the Board for their travel and subsistence expenses as set by administrative regulation.

RATIONALE: To allow the Board flexibility in determining governance structure. The Board has a financial officer (previously a Treasurer). This was not reflected in the statute. This new language will make future changes unnecessary, as needs change. The survey language was unnecessary. The declaratory rulings language will allow the Board to issue such rulings on specific questions. The reimbursement language is to allow reimbursement of expenses of non-Board members who work on committees, etc.

34. 314.131(7): Each member of the Board shall receive, in addition to traveling, hotel, and other necessary expenses, one hundred and fifty [one hundred] dollars (\$150) [(\$100)] for each day the member is actually engaged in the discharge of official duties.

RATIONALE: The per diem was last raised in 1986; provides for appropriate Board member compensation.

35. 314.181: *(Present language would be deleted and replaced as follows.)*

(1) A registered nurse who is employed by an ambulance service shall complete training in determination of death and preservation of evidence as required by the Board pursuant to administrative regulations.

(2) A registered nurse who is employed by an ambulance service shall determine whether or not a patient served by the ambulance service is dead. The registered nurse shall utilize the protocol specified by the Board by administrative regulations. The registered nurse shall, when responding to a patient, first attempt resuscitation, unless the protocol indicates that the patient is not capable of being resuscitated.

(3) If it is determined that death has occurred in accordance with the procedures of KRS 446.400 with regard to patients who have not been resuscitated, the registered nurse employed by an ambulance service may make the actual determination and pronouncement of death. This section shall not apply to patients who are in a hospital when apparent death occurs.

(4) In the event that a registered nurse who is employed by an ambulance service determines that a person is dead, the registered nurse shall make the notifications required by KRS 72.020 and take the protective actions required by that statute.

(5) The administration of cardiopulmonary resuscitation or other basic life support measures to the apparently dead person prior to the arrival of a registered nurse employed by an ambulance service by any person shall not be considered as artificial maintenance of respiration and circulation for the purposes of this section and KRS 446.400. The administration of advanced cardiac life support procedures by any person, other than a paramedic rendering care pursuant to KRS 311.660, prior to the arrival of a registered nurse shall preclude the determination of death by the registered nurse, and the provisions of KRS 446.400 shall apply. Nothing in this section shall preclude the supervising physician from directing a registered nurse employed by an ambulance service to cease resuscitative efforts under approved agency medical protocols.

(6) The resuscitative efforts of a nurse under protocols authorized by this section shall not invoke the provisions of KRS 446.400.

RATIONALE: This amendment is needed to clarify the intent of the statute which is ambiguous as passed in 1998.

DISCIPLINARY ACTIONS

The format for reporting disciplinary actions includes the statutory citation of the violation. KRS 314.091(1) lists the following grounds for disciplinary action:

- (a) guilty of fraud or deceit in attempting to procure a license;
- (b) conviction of a misdemeanor or felony;
- (c) conviction of a misdemeanor or felony related to a sexual offense; or, been found to have had sexual contact with a patient;
- (d) acted in a manner inconsistent with the practice of nursing;
- (e) unfit or incompetent to practice nursing;
- (f) abused use of controlled substances or misused or misappropriated any drugs;
- (g) made incorrect entries or failed to make essential entries;
- (h) action on license in another state;
- (i) violated any of the provisions of this chapter, or violated any lawful order or directive previously entered by the board, or any administrative regulation promulgated by the board.

Since the publication of the spring edition of the *Communiqué*, the Board has taken the following actions related to disciplinary matters as authorized by the *Kentucky Nursing Laws*.

IMMEDIATE TEMPORARY SUSPENSION

Bauerle, Donna J. Phillips

RN License #1061943 (Newport, KY)
KRS 314.091 (1)(d), (g), (i)
Eff. 7/12/99

* **Cox, Marlanda D. O.**

LPN License #2033132 (Louisville, KY)
KRS 314.091(1)(d), (f), (g), (i),
Eff. 6/15/99

* **Farris, Debra Ann Sears**

LPN License #2031677; (Corbin, KY)
KRS 314.091(1)(d), (g)
Eff. 7/21/99

Holley, Deborah L. Williams

RN License #1089152 (Hammond, LA)
KRS 314.091(1)(d), (i)
Eff. 7/26/99

* **Ryan, Linda Renee Green**

RN License #1076464 (Glasgow, KY)
KRS 314.091(1)(i)
Eff. 7/7/99

Shoemaker, Willa Mae Wells

LPN License #2024878 (Liberty, KY)
KRS 314.091(1)(d), (e)
Eff. 7/19/99

Thomas, Rhonda D. Owens

RN License #1056799 (Hiseville, KY)
KRS 314.091(1)(i)
Eff. 7/9/99

LICENSE REVOKED

Brown, Carla J.

LPN License #2017588 (Bowling Green, KY)
Revoked 1 yr.
Eff. 6/25/99

* **Sither, Judith M. Anderson**

LPN License #2023580 (Immediate
Temporary Suspension) (Nicholasville, KY)
KRS 314.091(1)(e), (f), (i)
Revoked 5 yrs.
Eff. 8/20/99

* **Thomas, Rita M.**

RN License #1071568; LPN License
#2020626 (Lapsed) (Jackson, KY)
KRS 314-091(1)(d), (e), (g), (i)
Revoked 5 yrs.
Eff. 8/20/99

* **Villier, Carlton Sheffield**

RN License #1036376 (Lapsed); ARNP
#1135-A (Lapsed) (Bad Axe, MI)
KRS 314.091(1)(d), (e), (h)
Revoked 5 yrs.
Eff. 6/11/99

LICENSE DENIED

Jamison, Irma

LPN Applicant/Endorsement (Owensboro, KY)
Eff. 6/11/99

LICENSE VOLUNTARILY SURRENDERED (HEARING REQUIRED)

Doss, Marsha Ann Duncan

RN License #1043629 (Lawrenceburg, KY)
KRS 314.091(1)(d), (e), (f), (i)
Voluntarily Surrendered 2 yrs.
Eff. 8/20/99

Gross, Nancy Pauline Bell

LPN License #2030419 (Campton)
KRS 314.091(1)(d), (e), (i)
Voluntarily Surrendered 5 yrs.
Eff. 8/20/99

Mobley, Sherry A. Pyott

RN License #1074396 (Limited/Probated)
(Morganfield, KY)
KRS 314.091(1)(d), (e), (f), (i)
Voluntarily Surrendered 5 yrs.
Eff. 6/11/99

Moore, Susan R. LeMaster

LPN License #2020060 (Probated)
(Madisonville, KY)
KRS 314.091(1)(d), (e)
Voluntarily Surrendered 1 yr.
Eff. 6/11/99

Olds, Vicki Crawford

RN License #1032818 (Richmond, KY)
KRS 314.091(1)(d), (e), (g), (i)
Voluntarily Surrendered 1 yr.
Eff. 8/20/99

Shepherd, Amy W.

RN License #1064361 (Catlettsburg, KY)
KRS 314.091(1)(d), (e), (f), (i)
Voluntarily Surrendered 6 mos.
Eff. 6/11/99

LICENSE VOLUNTARILY SURRENDERED TO BE REINSTATED ON LIMITATION/ PROBATION

Jones, Roslyn Jane Baldani

RN License #1055132 (Lexington, KY)
KRS 314.091(1)(d), (i)
Voluntarily Surrendered 6 mos.
Limited/Probated 3 yrs.
Eff. 8/20/99

* **O'Neil, Rhonda Bagley**

RN License #1067601 (Louisville, KY)
KRS 314.091(1)(d), (e), (f), (g), (i)
Voluntarily Surrendered 2 yrs.
Limited/Probated 2 yrs.
Eff. 8/20/99

LICENSE SUSPENDED (HEARING REQUIRED)

Green, Arvinia Martin

LPN License #2010839 (Limited/Probated)
(Bowling Green, KY)
KRS 314.091(1)(d), (e), (f), (i).
Suspended 2 yrs.
Eff. 6/11/99

Hawkins, Donna Lynn Settles

LPN License #2024233 (Waynesburg, KY)
KRS 314.091(1)(d), (g).
Suspended 1 yr.
Eff. 6/11/99

LICENSE SUSPENDED

* **Hofius, George E.**

RN License #1069359 (Somerset, KY)
KRS 314.091(1)(i)
Suspended 6 mos.
Eff. 6/11/99

Kirk, Mona Guess

RN License #1027800 (Limited/Probated)
(Marion, KY)
KRS 314.091(1)
Eff. 7/23/99

Lindall, Altafaye Thomas

RN License #1070038 (Lynnville, IN)
KRS 314.091(1)(a), (d)
Suspended 6 mos.
Eff. 6/11/99

Scott, Wanda R. Reed

RN License #1059023 (Louisville, KY)
KRS 314.091(1)(a), (d)
Suspended 6 mos.
Eff. 6/11/99

LICENSE CONTINUED ON SUSPENSION (HEARING REQUIRED)

* **Jones, Yvette LaGerald**

LPN License #2030854 (Immediate
Temporary Suspension) (Louisville, KY)
KRS 314.091(1)(d), (f)
Suspended 2 yrs.
Eff. 8/20/99

* **Payne, Rhonda Gail Lakes**

RN License #1041958 (Immediate
Temporary Suspension) (Somerset, KY)
KRS 314.091(1)(a), (b), (d), (e), (f), (g), (i)
Suspended 3 yrs.
Eff. 8/20/99

* **Turner, Latannya Rae Bass**

LPN License #2030633 (Immediate
Temporary Suspension) (Louisville, KY)
KRS 314.091(1)(a), (b), (d), (e), (i).
Suspended the shorter period of 5 yrs or
end of court ordered probation.
Eff. 8/20/99

Wells, Johnny M.

RN License #1048546 (Immediate
Temporary Suspension) (Gracey, KY)
KRS 314.091(1)(d), (f)
Suspended 3 yrs.
Eff. 8/20/99

* **LICENSE HAS NOT BEEN RETURNED TO KBN**

**LICENSE CONTINUED ON SUSPENSION
TO BE FOLLOWED BY LIMITATION/
PROBATION**

* **Conrad, Jackie G. Thomas**
RN License #1052439 (Immediate
Temporary Suspension) (Richmond, KY)
KRS 314.091(1)(d), (f).
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 6/11/99

**LICENSE SUSPENDED AND STAYED: TO
BE PLACED ON LIMITATION/PROBATION**

Aines, Michael Duane
RN License #1077338 (Prospect, KY)
KRS 314.091(1)(d), (e), (f), (g), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 8/20/99

Brooking, Lisa A McIntosh
RN License #1065566 (Crestwood, KY)
KRS 314.091(1)(c), (d), (i)
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 6/11/99

Damron, Loretta Gwen Brashears
RN License #1079694 (Allen, KY)
KRS 314.091(1)(d), (g), (i)
Suspended 18 mos.
Limited/Probated 18 mos.
Eff. 8/20/99

Drake, Randall Scott
RN License #1076223 (Mount Sterling, KY)
KRS 314.091(1)(d), (e), (f), (g), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 8/20/99

* **Durham, Holly Reinhart**
LPN License #2027982 (Newport, KY)
KRS 314.091(1)(d), (f), (g), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 8/20/99

Elliott, Jill Olivia
RN License #1085852 (Owensboro, KY)
KRS 314.091(1)(d), (f), (g), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 8/20/99

Houglin, Terri L.
RN License #1083390 (Louisville, KY)
KRS 314.091(1)(d), (g), (i)
Suspended 1 yr.
Limited/Probated 2 yrs.
Eff. 8/20/99

Jones, Howard Michael
RN License #1074167 (Bowling Green, KY)
KRS 314.091(1)(d), (f), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 8/20/99

Keltner, Jennifer G.
RN License #1054373 (Columbia, KY)
KRS 314.091(1)(d), (f), (g), (i)
Suspended 3 yrs.
Limited/Probated 3 yrs.
Eff. 6/11/99

Poteet, Laura E. Thompson
RN License #1080624 (Bowling Green, KY)
KRS 314.091(1)(d), (g), (i)
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 6/11/99

* **Schmidt, Peggy Sue**
RN License #1044403 (Louisville, KY)
KRS 314.091(1)(d), (g), (i)
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 6/11/99

* **Thomas, Deborah A. Hall**
LPN License #2026083 (West Paducah, KY)
KRS 314.091(1)(b), (d), (f), (i)
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 8/20/99

Wallace, Kimberly Lynne Howard
RN License #1042297 (Frankfort, KY)
KRS 314.091(1)(d), (f), (g), (i)
Suspended 1 yr.
Limited/Probated 3 yrs.
Eff. 8/20/99

Wesley, Traci L. McGowan
RN License #1060961 (Berea, KY)
KRS 314.091(1)(d), (f), (g), (i)
Suspended 3 yrs.
Probated 3 yrs.
Eff. 6/11/99

**LICENSE SUSPENDED AND STAYED: TO
BE PLACED ON PROBATION**

Clark, Flossie Sullivan
LPN License #2025692 (Winchester, KY)
KRS 314.091(1)(a), (b), (d), (i)
Suspended 2 yrs.
Limited/Probated 2 yrs.
Eff. 6/11/99

**LICENSE DENIED REINSTATEMENT
(HEARING REQUIRED)**

Cook, Rita Darlene
LPN License #2021530 (Lapsed)
(Cunningham, KY))
KRS 314.091(1)(a)
Denied Reinstatement 3 yrs.
Eff. 8/20/99

Huber, Kevin Lee
RN License #1075632 (Lapsed) (Limited/
Probated) (Bowling Green, KY)
KRS 314.091(1)(a), (d), (e), (f), (g), (i)
Denied Reinstatement for 3yrs.
Eff. 6/11/99

Meredieth, Joyce A. Sears
LPN License #2026508 (Lapsed)
(Dunnville, KY)
KRS 314.091(1)(b), (e)
Denied Reinstatement for 1 yr.
Eff. 8/20/99

Tucker, Joseph S.
LPN License #2023963 (Lapsed)
(Vine Grove, KY)
KRS 314.091(1)(a)
Denied Reinstatement for 1 yr.
Eff. 8/20/99

**LICENSE DENIED REINSTATEMENT TO BE
FOLLOWED BY LIMITATION/PROBATION**

Lakin, Betty Francis Stamper
RN License #1047363 (Suspended)
(Pikeville, KY)
KRS 314.091(1)(a), (b), (i)
Denied Reinstatement 6 mos.
Limited/Probated 3 yrs.
Eff. 8/20/99

Norman, Shelia Rhea Riddle
RN License #1077187 (Lapsed) (Cave City, KY)
KRS 314.091(1)(a), (b), (d), (i)
Denied Reinstatement 6 mos.
Limited/Probated 3 yrs.
Eff. 6/11/99

Reedy, Richard W.
RN License #1071948 (Lapsed); ARNP
1746-A (Lapsed) (Russellville, KY)
KRS 314.091(1)(d), (f), (g), (i)
Denied Reinstatement 1 yr.
Limited/Probated 4 yrs.
Eff. 8/20/99

LICENSE LIMITED/PROBATED

Ely, Janice Elaine Primel
RN License #1075545; LPN License
#2012283 (Lapsed) (Bowling Green, KY)
KRS 314.091(1)(d), (e), (f), (g), (i)
Limited/Probated 3 yrs.
Eff. 8/20/99

Perez, Frances C.
RN License #1022191 (Louisville, KY)
KRS 314.091(1)(d), (g), (i)
Limited/Probated 2 yrs.
Eff. 6/11/99

Strugatsky, Lyudmila Diachenko
LPN License #2029736 (Somerset, KY)
KRS 314.091(1)(a), (b), (d), (f), (g), (i)
Limited/Probated 2 yrs.
Eff. 6/11/99

LICENSE PROBATED

Adams, Beverly K. Hopkins
RN License #1069060 (Mount Olivet, KY)
KRS 314.091(1)(a), (b), (d), (i)
Probated 18 mos.
Eff. 6/11/99

Carver, Paul W. Jr.
LPN License #2026720 (Newport, KY)
KRS 314.091(1)(a), (b), (d), (i)
Probated 18 mos.
Eff. 6/11/99

Eberling, Karen Stober
RN License #1073845 (Jeffersontown, KY)
KRS 314.091(1)(b), (d), (i)
Probated 18 mos.
Eff. 8/20/99

Evans, Dena L. Swett
LPN License #2027958 (Louisville, KY)
KRS 314.091(1)(d), (h), (i)
Probated 6 mos.
Eff. 8/20/99

**LICENSE TO BE REINSTATED ON
LIMITATION/PROBATION**

Barkwill, Patricia Lynn
RN License #1034969 (Lapsed) (Ashland, KY)
KRS 314.091(1)(d), (f), (g), (i)
Limited/Probated 2 yrs.
Eff. 8/20/99

Lord, Renee Ilene Kamlager
RN License #1088796 (Immediate
Temporary Suspension) (Louisville, KY)
KRS 314.091(1)(d), (f), (i)
Limited/Probated 4 yrs.
Eff. 8/20/99

Reynolds, Karen D. Tappel
RN License #1065862 (Lapsed) (Louisville, KY)
KRS 314.091(1)(d), (f), (g), (i)
Limited/Probated 3 yrs.
Eff. 6/11/99

* **LICENSE HAS NOT BEEN RETURNED TO KBN**

Davis, Kathryn M. Boggs
RN License #1056681 (Lapsed) (Lexington, KY)
KRS 314.091(1)(b), (d), (f), (g), (i)
Limited/Probated 5 yrs.
Eff. 8/20/99

ADMIT TO NCLEX; LICENSE TO BE PROBATED

Bailey, Belinda Denise Pailin
LPN Applicant/Examination (Hopkinsville, KY)
KRS 314.091(1)(a), (b), (d), (i).
Probated 18 mos..
Eff. 8/20/99

Flathers, Christine Renee
AKA: Tinsley, Christine
LPN Applicant/Examination (Louisville, KY)
KRS 314.091(1)(a), (b), (d), (i).
Probated 2 yrs.
Eff. 8/20/99

Fugate, Marjorie Annette Neace
LPN Applicant/Examination (Somerset, KY)
KRS 314.091(1)(a), (b), (d), (i).
Probated 2 yrs.
Eff. 8/20/99

Metcalf, James Michael
RN Applicant/Examination (Louisville, KY)
LPN License #2030036
KRS 314.091(1)(b), (d), (i).
Probated 1 yr.
Eff. 8/20/99

O'Bryan, Cindy Lynn
LPN Applicant/Examination (Owensboro, KY)
KRS 314.091(1)(b), (d), (i).
Probated 1 yr.
Eff. 8/20/99

Wright, Beth Ann Skaggs
LPN Applicant/Examination (Elk Horn, KY)
KRS 314.091(1)(a), (b), (d), (i).
Probated 18 mos.
Eff. 8/20/99

ADMIT TO NCLEX; LICENSE TO BE LIMITED/PROBATED

Herald, Shannon Martha Bishop
RN Applicant/Examination (Buckhorn, KY)
KRS 314.091(1)(b), (d), (f), (i).
Limited/Probated 2 yrs.
Eff. 6/11/99

ADMIT TO NCLEX; LICENSE TO BE REPRIMANDED

Cummins, Kandy Michelle
LPN Applicant/Examination (Perryville, KY)
KRS 314.091(1)(b)
Eff. 6/11/99

REPRIMAND

Durham, Kathy Jo
LPN License #2018147 (Louisville, KY)
KRS 314.091(1)(d), (i)
Eff. 6/11/99

Evans, Nancy Jean Johnson
RN License #1079151 (Louisville, KY)
KRS 314.091(1)(a), (b), (d), (i)
Eff. 6/11/99

Fannin, Tamela S. Simmon Sloan
LPN License #2027341 (Sandy Hook, KY)
KRS 314.091(1)(d), (g), (i).
Eff. 6/11/99

Hutcherson, Donna K. P.
RN License #1077904 (Hodgenville, KY)

KRS 314.091(1)(d)
Eff. 6/11/99

Lynn, Michelle Hudson
AKA: Cassin, Michelle
RN License #1080837 (Louisville, KY)
KRS 314.091(1)(a), (b), (d), (i)
Eff. 6/11/99

Southworth, Amy Elizabeth
RN License #1090044 (Georgetown, KY)
KRS 314.091(1)(a), (d), (i)
Eff. 8/20/99

CONSENT DECREES RATIFIED

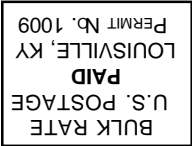
Imposition of civil penalty for practice without a current active license, temporary work permit, or ARNP registration.....4

Imposition of civil penalty for failure to meet mandatory continuing education requirement for renewal of license.....19

LICENSES REMOVED FROM PROBATION... 10
AGREED ORDERS APPROVED..... 48
PROPOSED DECISIONS APPROVED..... 22

❖❖❖ REMINDER ❖❖❖

It is imperative that the Board have your current name and address! If your name or address has changed, notify Lou Johnson, Kentucky Board of Nursing, 312 Whittington Pky, Ste 300, Louisville, KY 40222. A name and address change form is available in previous issues of the *Communique*.



Commonwealth of Kentucky
Board of Nursing
312 Whittington Pky Ste 300
Louisville KY 40222-5172